

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN S. O'DEA,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation;

Defendant.

4:22CV3165

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that Plaintiff's unopposed motion to amend the final progression order ([Filing No. 27](#)) is granted. The unexpired deadlines in the final progression order ([Filing No. 13](#)) is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for July 18, 2023 is continued and will be held with the undersigned magistrate judge on **October 10, 2023 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is October 3, 2023. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by October 17, 2023.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures for all experts expected to

testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 17, 2023.

For the defendant(s): August 17, 2023.

Plaintiff(s)' rebuttal: September 1, 2023.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 1, 2023.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is October 30, 2023.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 30, 2023.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All other deadlines in the prior progression order remain unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of April, 2023.

BY THE COURT:

s/Cheryl R. Zwart

United States Magistrate Judge